



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,507	06/15/2000	Sara Elo	SOM9-2000-0002/1963-7384	9346

7590 01/05/2004

WILLIAM E. LEWIS
RYAN, MASON & LEWIS, LLP
90 FOREST AVENUE
LOCUST VALLEY,, NY 11560

EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,507

Applicant(s)

ELO ET AL.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: the application and the IDSs filed on 6/15/00.
2. Claims 1-14 are pending in the case. Claims 1, 8, 12 are independent claims.

Specification

3. The specification is objected to since it discloses information inconsistent with the information in the drawings. Specifically, the "stored disk instructions **24**" (specification, page 7, line 6) and "stored on the disk **24**" (specification, page 13, line 21) does not match the "Disk **23**" (figure 1). Correction is required to make the information to be consistent in the specification and the drawings.

Claim Objections

4. Claims 13-14 are objected to because of the following informalities: the "9" within "the article of manufacture of claim 9" (line 1 of these claims) is a typographical error. Claims 13-14, which are "the article of manufacture", must be dependent on claim 12 (which is an article of manufacture), not claim 9 (which is a method claim). Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2178

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingarden et al. (US Pat No. 6,164,975, 12/26/00, filed 12/11/98) in view of Bernardo et al. (US Pat No. 6,185,587 B1, 2/6/01, filed, 6/19/98) and Pacifici et al. (US Pat No. 6,230,171 B1, 5/8/01, filed 8/29/98).

Regarding independent claim 8, Weingarden discloses:

- creating a user profile indicative of an optimum mode of learning (col 7, lines 10-41, 53-67: *a cognitive profile of a user is built* based on the various learner records by the Learning System where the learner records are the summary of the user's preference optimized by the system; col 7, lines 23-41: a user profile

Art Unit: 2178

- created from the information gathered from the learners, actually the users, based on the learner responses to the questions made by the learning system)
- providing a web page to a user that matches the user's optimum mode of learning based upon an identifier of the user's profile (col 7, lines 41-52: providing to a user the version of a web page that best matches the cognitive style of each user based on the cognitive profile)

Weindgarden does not disclose:

- creating document templates using industry standard syntax
- creating content in a standard industry language
- creating style sheets in a standard format mapped to the content to the different modes of learning
- combining the content file with the style sheets to generate a web file

Bernardo discloses:

- creating document templates using an industry standard syntax (col 2, lines 42-57, col 3, lines 6-25, figure 5, col 7, lines 32-54: the fact that the website Help facility including the standard and custom website objects to help a website creator to use the templates and other tools to create a website where a website is a homepage for a business company or an industry company inherently shows that the templates created comply to an industry standard syntax)
- creating content in a standard industry language (col 2, line 58 to col 3, line 25; figure 3, #14-16, 20; figure 6; col 7, line 55 to col 8, line 18)

Art Unit: 2178

- generating a web page that matches the selected options/features of a website creator (col 2, line 58 to col 4, line 8; figure 3, #6-22)

Weingarden and Bernardo do not disclose:

- creating style sheets in a standard format mapped to the content to the different modes of learning
- combining the content file with the style sheets to generate a web file

Pacifici discloses:

- creating style sheets in a standard format mapped to the content to the different modes of learning (col 9, line 59 to col 10, line 7: the style sheet is defined or setup based upon the user preferences to affect the appearances of the HTML document where the user preferences profile is created via a learning process by collecting responses for the questions made by the system)
- combining the content file with the style sheets to generate a web file (figure 6 and col 9, line 19 to col 10, line 7: the style sheet and the content are combined to generate a web file as disclosed in figure 6)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Pacifici into Bernardo and Weingarden for the following reason. Pacifici teaches creating the style sheets for a HTML document *upon the user preferences* and using the style sheet to *generate the appearance of the HTML document* providing the advantage of applying the style sheets to the content data to generate a web file that matches the user's optimum mode of learning based on the user's profile in Weingarden and to create templates and content for a web document

Art Unit: 2178

based on a user profile as in Bernardo since as mentioned above the creation of the user profile in Weingarden and Bernardo is based on the information gathered for the learning process.

Regarding claim 9, which is dependent on claim 8, Weingarden discloses calculating a user's profile based upon responses to a questionnaire and a cognitive learning theory (col 7, lines 23-41 and col 10, line 25 to col 11, line 47: computing vector of weights for a user profile created from the information gathered from the learners, actually the users, based on the learner responses to the questions made by the learning system).

Regarding claim 10, which is dependent on claim 8, Weingarden discloses calculating a user profile as a vector of weights (col 10, line 25 to col 11, line 47: computing the vector of weights for a profile based on a user's cognitive preferences).

Regarding claim 11, which is dependent on claim 8, Weingarden discloses providing a user information defined by the style sheets and user profile in an HTML file based upon a HTTP cookie or URL string with an encoded profile identifier or user name (col 7, lines 41-52: using a cookie stored in a user computer to determine the version of the web page that best matches the cognitive style of the user where the cognitive style in the user profile controls the version of a HTML document).

Art Unit: 2178

Claims 1, 6-7 are for a system of method claims 8-11, and are rejected under the same rationale.

Claims 12-14 are for an article of manufacture of method claims 8-11, and are rejected under the same rationale.

8. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingarden in view of Bernardo and Pacifici as applied to claim 1 above, and further in view of Boag et al. (US Pat No. 6,589,291, 7/8/03, filed 4/8/99).

Regarding claims 2-5, the claims further mention that the industry standard is the Document Type Definition syntax, the content is created using Extensible Mark-Up Language (XML), and the style sheet is created using the Extensible Style Sheet Language (XSL) instead of the Hypertext Mark-Up Language (HTML) and Cascade Style Sheet (CSS) as in Weingarden and Pacifici.

Boag discloses that XML is emerging as a powerful methodology for representing document content and its style sheet XSL is used for transforming documents encoded in one markup language to another markup language such as HTML or WML (col 2, lines 20-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Boag into Weingarden, Bernardo and Pacifici to expand the employment of HTML and CSS to XML and XSL since in Boag, a markup language

can be transformed from one to another, and XML and XSL are merely the extensible markup form of HTML and CSS.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sutcliffe et al. (US Pat No. 6,253,216 B1, 6/26/01, filed 6/13/97).

Desai et al. (US Pat No. 6,618,746 B2, 9/9/03, filed 3/30/98).

Chidlovskii et al. (US Pat No. 6,327,590 B1, 12/4/01, filed 5/5/99).

Maxwell et al. (US Pat No. 6,589,290 B1, 7/8/03, filed 10/29/99).

Shambroom (US Pat No. 6,301,661 B1, 10/9/01, filed 6/19/99, priority 2/12/97).

Kawasaki (US Pat No. 6,539,375 B2, 3/25/03, filed 8/4/99, priority 8/4/98).

Masters (US Pat No. 6,374,300 B2, 4/16/02, filed 7/15/99).

Millier et al. (US Pat No. 5,899,995, 5/4/99, filed 6/30/97).

Augenbraun et al. (US Pat No. 5,797,001, 8/18/98, filed 8/26/96).

Kurtzman, II (US Pat No. 6,044,376, 3/28/00, filed 4/24/97).

LaMacra et al. (US Pat No. 6,279,013 B1, 8/21/01, filed 7/20/98).

Bond et al. (US Pat No. 6,177,940 B1, 1/23/01, filed 9/20/95).

Kramer et al. (US Pat No. 6,327,574 B1, 12/4/01, filed 2/1/99, priority 7/7/98).

Ferrel et al. (US Pat No. 6,199,082 B1, 3/6/01, filed 7/17/95).

Hind et al. (US Pat No. 6,463,440 B1, 10/8/02, filed 4/8/99).

Miike et al. (US Pat No. 6,052,714, 4/18/00, filed 12/13/96).

Art Unit: 2178


Business Editors, HomePage.com Provides Personalized Page Service to SportsPage.com, Business Wire Apr 11, 2000, pg. 1, ProQuest Search.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 703-305-0432. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9000.

clh
12/23/03



JOSEPH H. FEILD
PRIMARY EXAMINER